

Remarks

Claims 1-34 are currently pending in the above-captioned matter. By this amendment, claims 1-20 and 22 have been cancelled without prejudice and new claims 35-40 added. Applicant respectfully acknowledges the Examiner's indication that claims 29-34 are allowable.

Applicant confirms that claims 21-34 are elected, with traverse. Remarks made herein are based on the claims as amended hereby.

After entry of this amendment, pending claims are 21 and 23-40; claims 21, 28, 32, 37 and 39 being independent.

35 USC §102 and §103 Rejections

Claims 21, 22 and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy (US 3,615,827). The '827 patent teaches a strongly alkaline paint stripper comprising at least 50 wt% alkali metal hydroxide. As amended, each of the independent claims, 21, 28, 32, 37 and 39, recites alkanolamine, which is neither taught nor suggested by the '234 patent. Accordingly, the '234 fails to anticipate the amended claims and it is respectfully requested that this rejection under 35 U.S.C. 102(b) be withdrawn.

Claims 21-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy (5,391,234). As the Examiner noted, the '234 patent teaches a composition containing at least 10% alkali metal silicates. As amended, independent claim 21 recites a level of alkali metal silicates of about 0.001 to about 0.1 %, which is well outside the range taught by the '234 patent. Withdrawal of the rejection of claims 21-26 as anticipated by the '234 patent is respectfully requested.

Both US Patent No. 5,391,234 and 3,615,827 to Murphy are directed to strongly alkaline solutions with small amounts of organics as accelerators to aid in removing paint. Applicants use alkoxylated aromatic alcohols which have excellent solvent properties without the VOC problems of the prior art and alkanolamine bases and lesser amounts of silicates, which provides excellent cleaning and less caustic attack on the surface to be cleaned. The compositions claimed are neither taught nor suggested

by the prior art of record.

Claims 21-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al. (US 5,279,760) and as being anticipated by Kitano et al. (US 6,241,912). These rejections are respectfully traversed. US Patent 5,279,760 to Sato is directed to cleaning agents for jet engines that use fatty acid salts of alkanolamines. US Patent No. 6,241,912 is not directed to a paint removing composition at all, but instead is directed to a coating for easy detection of metal deformation, which uses alkanolamine ions to stabilize anionic surfactant.

The Office has asserted that salts of alkanolamines taught in the '760 and '912 patents would produce the same result when dissolved in water as the alkanolamine claimed by Applicant. However, Applicants' claims are directed to alkanolamines that are water soluble bases, which by definition are substances capable of rendering the aqueous composition used as a paint removing solution alkaline. The substances containing alkanolamine moieties taught by the '760 and '912 are not bases, they are salts that are formed by the reaction of alkanolamine base with an acid thereby producing the salt and water. The alkanolamine moieties in these salts have already reacted leaving the charged alkanolamine ion to stabilize the anionic surfactants of the '760 and '912. When dissociated in water, the salt does not produce the same solution as the alkanolamine base used by Applicants and therefore cannot anticipate.

Another indication that the substances are different is the performance of Applicants composition as compared to alkanolamine salts of fatty acids found in the references. The fatty acid salts of the references do not work as well as Applicant's composition in solublizing paint, but instead tend to coat the paint surface because they do not have solubility characteristics similar to the resins in the paint.

Accordingly, Applicants assert that the rejection of claims 21-28 as anticipated by the '760 patent and as anticipated by the '912 patent should be withdrawn.

Conclusion

Applicants request reconsideration in view of the amendments and remarks contained herein. Applicants submit that the claims are in condition for allowance and a notice to that effect is respectfully requested. Should the Examiner have any questions regarding this paper, please contact the undersigned

Respectfully submitted,



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